

REMARKS

This amendment is submitted in response to the Examiner's Action dated July 10, 2007. Applicants have amended the claims to clarify key features of the invention and overcome the claim objections and §101 rejections. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicants respectfully request entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

Applicants are not conceding in this application that those independent claims and their dependent claims, as originally presented, are not patentable over the art cited by the Examiner. The present claim amendments and cancellations are only for facilitating expeditious prosecution of the application. Applicants respectfully reserve the right to pursue these original claims and other claims in one or more continuations and/or divisional patent applications.

DOUBLE PATENTING

At paragraph 2 of the present Office Action, Claims 1, 9, 12 and 21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 12 and 20 of U.S. Patent No 7,093,120. Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). This filing overcomes the double patenting rejection and places the claims in condition for allowance.

CLAIMS OBJECTIONS

At paragraph 3 of the present Office Action, Claims 2, 6, 7, 12, 14, 16 and 17 are objected to because of informalities. Accordingly, Applicants have amended the claims to remove the informalities and overcome the claim objections. The amendments also place the claims in condition for allowance.

CLAIMS REJECTIONS UNDER 35 U.S.C. § 101

At paragraph 4 of the Office Action, the Examiner rejects Claims 21-23 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Accordingly, Applicants have amended the claims so that these claims now recite statutory subject matter and are in compliance with §101 requirements. The amendments thus overcome the §101 rejection. Applicants, therefore, respectfully request entry of the amendments and removal of the §101 rejection.

CLAIMS REJECTIONS UNDER 35 U.S.C. § 102

At paragraph 6 of the present Office Action, Claims 1-5, 9, 11-12, 15 and 20-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Chang* (U.S. Patent Publication No. 2003/0126242). *Chang* does not anticipate Applicants' claimed invention because *Chang* does not teach each and every feature recited by Applicants' claims.

Specifically, *Chang* fails to teach the following feature recited by Applicants' independent Claims 1, 12, and 21:

switching a boot sequence from a first boot device to the at least one disk within said volume group, wherein the first boot device corresponds to a primary boot device from which the boot image is copied to the at least one disk and is external to said volume group (underlining added for emphasis).

Chang also fails to teach the features of Applicants' Claim 2 and 14, namely:

copying boot install images from said first boot device to multiple disks within the volume group, whereby each disk of said multiple disks within said volume group may independently serve as the boot device for the SAN system and a boot process for the SAN system may be initiated from any one of the multiple disks in the volume group, wherein the SAN system is a single, bootable computer system (underlining added for emphasis).

The sections of *Chang* being relied on by Examiner to support the rejection of these features of Applicants' claims fail to teach (or suggest) either of these features. With respect to Claim 1, Section 0029, lines 3-22 of *Chang* fails to teach or suggest the switching from a first, primary boot device, which is external to the logical volume. *Chang* specifically teaches the use of the boot server as the only boot device for the clients, which clients are themselves devoid of an internal boot device. As noted by Applicants' claims, the boot image on the logical volume of the SAN is copied from a primary boot device to provide a secondary boot device of the SAN

system within the volume group. Hence, the volume groups are described as storing at least one copy of the boot image from a primary boot device and not storing the only boot image for the SAN system.

Further, with respect to the copying of boot install images for a single SAN system on multiple disks within the SAN logical volumes, “whereby each disk ... within said volume group may independently serve as the boot device”, nothing within *Chang* teaches or suggests this feature. *Chang* provides for a single image copy associated with each client, where each client has only that single image copy on the pooled storage (see FIG. 1, with pooled storage holding a single, numbered client image copy for each numbered client). Section 0035, lines 7-18 suggests employing multiple devices, other than the pooled storage device, only one of which would hold the client image copy. That section also describes the individual image copy or volume for each of the individual clients (again see FIG. 1 and the configuration of client images within the pooled storage). Clearly, the section is devoid of any teaching or suggestion of copying the boot install images for a single SAN system on multiple disks within the SAN logical volumes.

The standard for a §102 rejection requires that the reference teach each and every element recited in the claims set forth within the invention. As clearly outlined above, *Chang* fails to meet this standard, and therefore, *Chang* does not anticipate Applicants’ invention.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

At paragraph 8 of the present Office Action, Claims 13-14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chang* in view of *Rietze* (U.S. Patent No. 6,904,482). At paragraph 9 of the present Office Action, Claims 6-8, 10, 16-19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chang* in view of *Cromer et al.* (U.S. Patent No. 5,860,001). These claims all depend on the independent claims, which Applicants have shown, by the 102 arguments above, to be allowable over the primary reference. By their dependence on allowable claims, the present claims are also allowable.

CONCLUSION

Applicants have diligently responded to the Office Action by amending the claims to overcome claim objections and §101 rejections, and to clarify specific novel features recited within the independent claims. Applicants have also provided discussion/arguments which show why Applicants' claims are not anticipated by or obvious in light of the references provided or combinations thereof. The amendments and arguments thus overcome the §§ 101, 102 and 103 rejections, and Applicants respectfully request issuance of a Notice of Allowance for all claims now pending.

Applicants further respectfully request the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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